

RCE

Serial No. 10/020,596
Atty. Docket No. GP123-02.UT

Remarks

Claims 1-25, 27-32, 34-36 and 61 are presently pending in the subject application.

Reconsideration and allowance in view of the above amendments and the following remarks are respectfully requested.

Claim 1 has been amended herein to specify that the polynucleotide probe is in solution. This amendment is supported in the specification at, for example, page 16, lines 18-20.

The specification has also been amended herein to reinstate a previously deleted paragraph which provides that all references referred to in the specification are incorporated in their entireties. Applicant submits that this incorporation statement clearly manifests a belief that, unless otherwise indicated, the entirety of each of the references being incorporated is relevant to the disclosed invention. For example, the disclosed invention contemplates amplification methods for increasing the copy number of a target nucleic acid sequence. Sections of the specification appearing at page 3, lines 7-12, page 6, lines 16-25, and page 37, line 26 *et seq.* disclose a number of references dedicated in their entireties to describing a variety of such amplification methods. Therefore, it is clear that the incorporations of these references cannot be limited to any particular sections of these references. Likewise, where Applicant intended a more limited incorporation, it is so indicated in the specification, as appears, for example, at page 23, lines 23-24 of the specification. Accordingly, Applicant submits that the references identified in the specification are properly incorporated by reference and may be used to satisfy any of the requirements of 35 U.S.C. § 112, first paragraph.

The arguments set forth in the "Remarks" section of Applicant's Amendment Under 37 C.F.R. § 1.116 dated January 24, 2005 are hereby incorporated by reference herein.

Please charge any fees due in connection with this submission, including the fees due under 37 C.F.R. § 1.17 for filing an RCE and a one month extension of time, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

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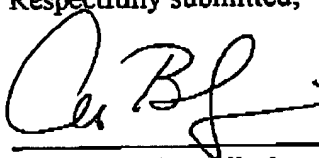
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I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-872-9306 on the date indicated below to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

Date: June 27, 2005

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